

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA,)
)
 Plaintiff,)
)
 v.)
)
 TYSON FOODS, INC., et al.,)
)
 Defendants.)

Case No. 05-CV-329-GKF-SAJ

**STATE OF OKLAHOMA'S SEPTEMBER 18, 2008 SET OF
REQUESTS FOR PRODUCTION TO PETERSON FARMS, INC.**

Pursuant to Fed. R. Civ. P. 26 and 34, plaintiff State of Oklahoma ("the State") requests that Defendant Peterson Farms, Inc. respond to the following requests for production within 30 days of service.

Definitions and Instructions

For purposes of this discovery, the following terms are intended to have the following meanings:

1. "You" means Peterson Farms, Inc., including any predecessors in interest, its present and former officers, executives, directors, agents, servants, employees, attorneys, consultants, experts, investigators and other persons or firms acting or purporting to act on its behalf.
2. "Document" means documents and electronically stored information. All electronically stored information shall be produced in native format.
3. The connectives "and" and "or" are to be construed either disjunctively or conjunctively as necessary to bring within the scope of this discovery all responses that might otherwise be construed to be outside of their scope.



4. The term "any" includes "all" and "each"; the term "all" includes "any" and "each"; and the term "each" includes "any" and "all."

5. References to the singular are to be construed to include the plural and vice versa.

6. If there is any responsive information which you decline to provide on the ground of a claim of attorney client privilege or attorney work product, make the claim expressly and describe the nature of the documents, communications, or things not produced or disclosed in a manner that will enable the State to assess the applicability of the claimed privilege or protection.

Request for Production

Request for Production No. 1: Please produce copies of the transaction documents (including any indemnification agreements) pertaining to Simmons Foods, Inc.'s acquisition of your poultry operations that was announced on or about June 3, 2008.

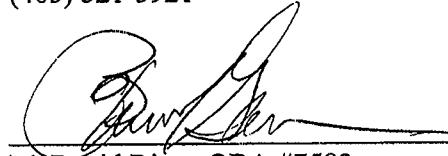
Request for Production No. 2: Please produce copies of any documents referring or relating to any environmental due diligence activities, reports, disclosures or investigations pertaining to Simmons Foods, Inc.'s acquisition of your poultry operations that was announced on or about June 3, 2008.

Request for Production No. 3: Please produce copies of any documents referring or relating to reason(s) why you decided to transfer your poultry operations to Simmons Foods, Inc.

Request for Production No. 4: Please produce copies of any documents referring or relating to this lawsuit or the subject matter of this lawsuit that were exchanged between you and / or and Simmons Foods, Inc. (including any persons or firms acting or purporting to act on its behalf) in connection with Simmons Foods, Inc.'s acquisition of your poultry operations that was announced on or about June 3, 2008.

Respectfully Submitted,

W.A. Drew Edmondson OBA # 2628
ATTORNEY GENERAL
Kelly H. Burch OBA #17067
J. Trevor Hammons OBA #20234
Daniel P. Lennington OBA #21577
ASSISTANT ATTORNEYS GENERAL
State of Oklahoma
313 N.E. 21st St.
Oklahoma City, OK 73105
(405) 521-3921



M. David Riggs OBA #7583
Joseph P. Lennart OBA #5371
Richard T. Garren OBA #3253
Sharon K. Weaver OBA #19010
Robert A. Nance OBA #6581
D. Sharon Gentry OBA #15641
David P. Page OBA #6852
RIGGS, ABNEY, NEAL, TURPEN,
ORBISON & LEWIS
502 West Sixth Street
Tulsa, OK 74119
(918) 587-3161

Louis W. Bullock OBA #1305
Robert M. Blakemore OBA 18656
BULLOCK, BULLOCK & BLAKEMORE
110 West Seventh Street Suite 707
Tulsa OK 74119
(918) 584-2001

Frederick C. Baker
(admitted *pro hac vice*)
Lee M. Heath
(admitted *pro hac vice*)
Elizabeth C. Ward
(admitted *pro hac vice*)
Elizabeth Claire Xidis
(admitted *pro hac vice*)
MOTLEY RICE, LLC
28 Bridgeside Boulevard
Mount Pleasant, SC 29465

(843) 216-9280

William H. Narwold
(admitted *pro hac vice*)
Ingrid L. Moll
(admitted *pro hac vice*)
MOTLEY RICE, LLC
20 Church Street, 17th Floor
Hartford, CT 06103
(860) 882-1676

Jonathan D. Orent
(admitted *pro hac vice*)
Michael G. Rousseau
(admitted *pro hac vice*)
Fidelma L. Fitzpatrick
(admitted *pro hac vice*)
MOTLEY RICE, LLC
321 South Main Street
Providence, RI 02940
(401) 457-7700

Attorneys for the State of Oklahoma

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of September, 2008, I electronically transmitted the above and foregoing pleading to the following ECF registrants:

W. A. Drew Edmondson, Attorney General	fc_docket@oag.state.ok.us
Kelly H. Burch, Assistant Attorney General	kelly_burch@oag.state.ok.us
J. Trevor Hammons, Assistant Attorney General	trevor_hammons@oag.state.ok.us
Daniel P. Lennington, Assistant Attorney General	daniel.lennington@oag.ok.gov
M. David Riggs	driggs@riggsabney.com
Joseph P. Lennart	jlennart@riggsabney.com
Richard T. Garren	rgarren@riggsabney.com
Sharon K. Weaver	sweaver@riggsabney.com
Robert A. Nance	mance@riggsabney.com
D. Sharon Gentry	sgentry@riggsabney.com
David P. Page	dpage@riggsabney.com
RIGGS, ABNEY, NEAL, TURPEN, ORBISON & LEWIS	
Louis Werner Bullock	lbullock@bullock-blakemore.com
Robert M. Blakemore	bblakemore@bullock-blakemore.com
BULLOCK, BULLOCK & BLAKEMORE	

Frederick C. Baker
Lee M. Heath
Elizabeth C. Ward
Elizabeth Claire Xidis
William H. Narwold
Ingrid L. Moll
Jonathan D. Orent
Michael G. Rousseau
Fidelma L. Fitzpatrick
MOTLEY RICE, LLC
Counsel for State of Oklahoma

fbaker@motleyrice.com
lheath@motleyrice.com
lward@motleyrice.com
cxidis@motleyrice.com
bnarwold@motleyrice.com
imoll@motleyrice.com
jorent@motleyrice.com
mrousseau@motleyrice.com
ffitzpatrick@motleyrice.com

Robert P. Redemann
Lawrence W. Zeringue
David C. Senger
PERRINE, MCGIVERN, REDEMANN, REID, BARRY & TAYLOR, P.L.L.C.

rredemann@pmrlaw.net
lzingue@pmrlaw.net
dsenger@pmrlaw.net

Robert E Sanders
Edwin Stephen Williams
YOUNG WILLIAMS P.A.
Counsel for Cal-Maine Farms, Inc and Cal-Maine Foods, Inc.

rsanders@youngwilliams.com
steve.williams@youngwilliams.com

John H. Tucker
Theresa Noble Hill
Colin Hampton Tucker
Leslie Jane Southerland
RHODES, HIERONYMUS, JONES, TUCKER & GABLE

jtucker@rhodesokla.com
thill@rhodesokla.com
ctucker@rhodesokla.com
ljsoutherland@rhodesokla.com

Terry Wayen West
THE WEST LAW FIRM

terry@thewestlawfirm.com

Delmar R. Ehrich
Bruce Jones
Krisann C. Kleibacker Lee
Todd P. Walker
Christopher H. Dolan
FAEGRE & BENSON, LLP

dehrich@faegre.com
bjones@faegre.com
kklee@faegre.com
twalker@faegre.com
cdolan@faegre.com

Dara D. Mann
MCKENNA, LONG & ALDRIDGE LLP
Counsel for Cargill, Inc. & Cargill Turkey Production, LLC

dmann@mckennalong.com

James Martin Graves
Gary V Weeks
Paul E. Thompson, Jr.
Woody Bassett
K. C. Dupps Tucker
BASSETT LAW FIRM

jgraves@bassettlawfirm.com
gweeks@bassettlawfirm.com
pthompson@bassettlawfirm.com
wbassett@bassettlawfirm.com
kctucker@bassettlawfirm.com

George W. Owens
Randall E. Rose
OWENS LAW FIRM, P.C.
Counsel for George's Inc. & George's Farms, Inc.

gwo@owenslawfirm.com
rer@owenslawfirm.com

A. Scott McDaniel
Nicole Longwell
Philip Hixon
Craig A. Merkes
MCDANIEL, HIXON, LONGWELL & ACORD, PLLC

smcdaniel@mhla-law.com
nlongwell@mhla-law.com
phixon@mhla-law.com
cmerkes@mhla-law.com

Sherry P. Bartley
MITCHELL, WILLIAMS, SELIG, GATES & WOODYARD, PLLC
Counsel for Peterson Farms, Inc.

sbartley@mwsgw.com

John Elrod
Vicki Bronson
P. Joshua Wisley
Bruce W. Freeman
D. Richard Funk
CONNER & WINTERS, LLP
Counsel for Simmons Foods, Inc.

jelrod@cwlaw.com
vbronson@cwlaw.com
jwisley@cwlaw.com
bfreeman@cwlaw.com
rfunk@cwlaw.com

Stephen L. Jantzen
Paula M. Buchwald
Patrick M. Ryan
RYAN, WHALEY, COLDIRON & SHANDY, P.C.

sjantzen@ryanwhaley.com
pbuchwald@ryanwhaley.com
pryan@ryanwhaley.com

Mark D. Hopson
Jay Thomas Jorgensen
Timothy K. Webster
Thomas C. Green
Gordon D. Todd
SIDLEY, AUSTIN, BROWN & WOOD LLP

mhopson@sidley.com
jjorgensen@sidley.com
twebster@sidley.com
tgreen@sidley.com
gtodd@sidley.com

Robert W. George

robert.george@tyson.com

L. Bryan Burns
TYSON FOODS, INC

bryan.burns@tyson.com

Michael R. Bond
Erin W. Thompson
KUTAK ROCK, LLP

michael.bond@kutakrock.com
erin.thompson@kutakrock.com

Counsel for Tyson Foods, Inc., Tyson Poultry, Inc., Tyson Chicken, Inc., & Cobb-Vantress, Inc.

R. Thomas Lay
KERR, IRVINE, RHODES & ABLES

rtl@kiralaw.com

Jennifer Stockton Griffin
David Gregory Brown
LATHROP & GAGE LC

jgriffin@lathropgage.com

Counsel for Willow Brook Foods, Inc.

Robin S Conrad
NATIONAL CHAMBER LITIGATION CENTER

rconrad@uschamber.com

Gary S Chilton
HOLLADAY, CHILTON AND DEGIUSTI, PLLC

gchilton@hcdattorneys.com

Counsel for US Chamber of Commerce and American Tort Reform Association

D. Kenyon Williams, Jr.
Michael D. Graves
HALL, ESTILL, HARDWICK, GABLE, GOLDEN & NELSON

kwilliams@hallestill.com
mgraves@hallestill.com

Counsel for Poultry Growers/Interested Parties/ Poultry Partners, Inc.

Richard Ford
LeAnne Burnett
CROWE & DUNLEVY

richard.ford@crowedunlevy.com
leanne.burnett@crowedunlevy.com

Counsel for Oklahoma Farm Bureau, Inc.

Kendra Akin Jones, Assistant Attorney General
Charles L. Moulton, Sr Assistant Attorney General

Kendra.Jones@arkansasag.gov
Charles.Moulton@arkansasag.gov

Counsel for State of Arkansas and Arkansas National Resources Commission

Mark Richard Mullins
MCAFEE & TAFT

richard.mullins@mcafeetaft.com

Counsel for Texas Farm Bureau; Texas Cattle Feeders Association; Texas Pork Producers

Association and Texas Association of Dairymen

Mia Vahlberg
GABLE GOTWALS

mvahlberg@gablelaw.com

James T. Banks
Adam J. Siegel
HOGAN & HARTSON, LLP

jtbanks@hhlaw.com
ajsiegel@hhlaw.com

Counsel for National Chicken Council; U.S. Poultry and Egg Association & National Turkey Federation

John D. Russell
FELLERS, SNIDER, BLANKENSHIP, BAILEY
& TIPPENS, PC

jrussell@fellerssnider.com

William A. Waddell, Jr.
David E. Choate
FRIDAY, ELDREDGE & CLARK, LLP
Counsel for Arkansas Farm Bureau Federation

waddell@fec.net
dchoate@fec.net

Barry Greg Reynolds
Jessica E. Rainey
TITUS, HILLIS, REYNOLDS, LOVE,
DICKMAN & MCCALMON

reynolds@titushillis.com
jraine@titushillis.com

Nikaa Baugh Jordan
William S. Cox, III
LIGHTFOOT, FRANKLIN & WHITE, LLC

njordan@lightfootlaw.com
wcox@lightfootlaw.com

Counsel for American Farm Bureau and National Cattlemen's Beef Association

Also on this 18th day of September, 2008 I mailed a copy of the above and foregoing pleading to:

David Gregory Brown
Lathrop & Gage LC
314 E HIGH ST
JEFFERSON CITY, MO 65101

Thomas C Green
Sidley Austin Brown & Wood LLP
1501 K ST NW

WASHINGTON, DC 20005

Dustin McDaniel

Justin Allen

Office of the Attorney General (Little Rock)

323 Center St, Ste 200

Little Rock, AR 72201-2610

Steven B. Randall

58185 County Road 658

Kansas, Ok 74347

Cary Silverman

Victor E Schwartz

Shook Hardy & Bacon LLP (Washington DC)

600 14TH ST NW STE 800

WASHINGTON, DC 20005-2004

George R. Stubblefield

HC 66, Box 19-12

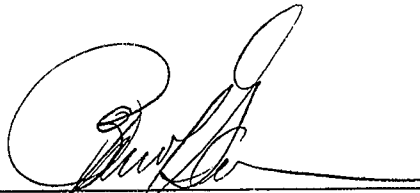
Proctor, Ok 74457

Secretary of the Environment

State of Oklahoma

3800 NORTH CLASSEN

OKLAHOMA CITY, OK 73118

A handwritten signature in black ink, appearing to read 'Richard T. Garren', is written over a horizontal line.

Richard T. Garren

Scott McDaniel

From: Scott McDaniel
Sent: Thursday, October 16, 2008 9:23 AM
To: 'Richard Garren'; 'Louis Bullock'
Cc: Jinger Waller; Vicki Bronson; Craig A. Mirkes
Subject: OK v Tyson - RFPs to Simmons and Peterson

Importance: High

Rick and Louis:

We have confirmed that the PSA between Simmons and Peterson did not have an index, thus we can't go the direction you suggested on our meet and confer teleconference. This brings us back to our position that the requests are clearly over broad and objectionable. Simmons and Peterson would like to re-urge plaintiffs to narrow their requests by identifying the topics or specific subjects for which they seek discovery so that the RFPs will be properly tailored to information that is relevant or will lead to the discovery of admissible evidence. As Vicki and I shared with you, this is a private transaction that both parties deem proprietary and highly confidential.

As an alternative attempt on our Clients' part to reach an accommodation to our disagreement over the RFPs, our Clients are willing to disclose (under the auspices of the Confidentiality Order) those elements of the PSA that establish that: (1) this was an asset sale that did not transfer any potential liabilities arising in this case from Peterson to Simmons; (2) the summary list of assets sold to show that none of them are in the IRW; and (3) poultry grower contracts were not transferred, but rather, the decision for each grower to enter a contract with Simmons was an individual matter for decision between the parties to the potential contract.

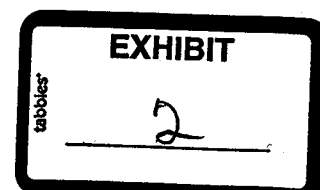
This information will demonstrate that Peterson no longer contracts with growers in the IRW, Peterson's status as a defendant in this case responding to plaintiffs' claims for dates prior to the closing remains the same; Simmons has not assumed any Peterson liability for activities related to the IRW prior to or after the sale; and to the extent that assets formerly owned/operated by Peterson have some business connection to the IRW, e.g., the feed mill in Decatur, you can determine that they are now owned by Simmons. We believe that this is the limit of discoverable information and sets the bounds of necessary disclosure of this private transaction for purposes of this litigation. If you can agree to this, we can move towards responding and producing the documents. If this is not acceptable, then either plaintiffs' must revise their requests to address the over breadth problems, or we will have to object, which may place this matter in the hands of the court.

Either way, we need your response by the end of business today so we can meet the Monday response deadline. If we need to talk again by telephone, please feel free to call.

A. Scott McDaniel

320 South Boston Avenue
 Suite 700
 Tulsa, Oklahoma 74103
 918.382.9200 Office Phone
 918.382.9282 Facsimile
smcdaniel@mhla-law.com

www.mhla-law.com



COPY OF TRANSCRIPT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

W.A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA)

Plaintiffs,)

vs.)

TYSON FOODS, INC., et al.,)

Defendants.)

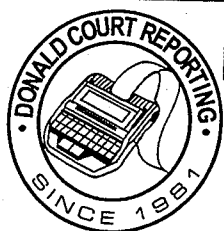
4:05-CV-00329-TCK-SAJ

VIDEOTAPED DEPOSITION OF KIRK HOUTCHENS

Taken at the law offices of Mitchell, Williams,
Selig, Gates & Wooyard, 5414 Pinnacle Point Drive, Suite
500, Rogers, Arkansas 72758, on July 26, 2007, at 11:36
a.m.

EXHIBIT

3



Donald Court Reporting, Inc.

Court Reporting Excellence Since 1981

P.O. Box 1733, Springdale, Arkansas 72765-1733

479.756.2256
888.438.7836
FAX 479.751.9153

1 currently owns a lot of the birds that we're concerned
2 about, but I want to talk to you about the kinds of houses
3 the birds are raised in and the number of houses and where
4 they're located and all of that. I believe I've already
5 learned that Peterson does not presently own any of the
6 chickens that are raised under, I guess, Evans & Evans's
7 ownership, does it not?

8 A. I am not aware of that.

9 Q. Let me try to ask a better question than that.

10 For a period of time, Peterson contracted with
11 growers to raise chickens. Correct?

12 A. I believe that's correct. Yes.

13 Q. When did that end, if it has ended?

14 A. I'm not aware of that.

15 Q. Does Peterson currently own and operate any hen
16 houses?

17 A. Yes. They would be primary breeder hens.

18 Q. Okay. Where are those located?

19 A. They would be in Decatur, Arkansas.

20 Q. Does Peterson currently own and operate any pullet
21 houses?

22 A. Yes.

23 Q. Where would those be?

24 A. Decatur, Arkansas.

25 Q. Does Peterson currently own and operate any broiler

1 houses?

2 A. No.

3 Q. Okay. Did Peterson at one time own and operate
4 broiler houses?

5 A. No.

6 MR. McDANIEL: David, if you're just getting
7 background, it's okay, but I'm very uncomfortable with you
8 asking multiple witnesses the same questions. I think
9 you're entitled to Peterson giving one answer to a
10 question.

11 MR. RIGGS: Yeah. Well, I mean, I don't
12 agree --

13 MR. McDANIEL: I'm not trying to impeach it
14 internally.

15 MR. RIGGS: I don't -- I don't agree with
16 that, but I do have a -- a problem with knowing what he's
17 prepared to tell me about here, so I think I needed a
18 little background.

19 Q. (Mr. Riggs continued.) Currently within the
20 Illinois River Watershed, does Peterson own any birds?

21 MR. McDANIEL: And I'm going to object
22 because Mr. Wear has clearly testified about that, and
23 this witness is not designated on that topic.

24 MR. RIGGS: Okay.

25 Q. (Mr. Riggs continued.) Item No. 7 on Exhibit No. 1

1 Q. Do you know if the Buffalo River's been designated a
2 scenic river?

3 A. Yes, sir.

4 Q. It was the first river in Arkansas to be designated
5 a scenic river, wasn't it?

6 A. I don't know.

7 Q. Does Peterson have any contract growers raising
8 chickens for it in the Buffalo River Watershed?

9 A. No, sir.

10 Q. Why not?

11 A. I assume it's a long ways away from our feed mill.

12 Q. Where's your feed mill?

13 A. Decatur, Arkansas.

14 Q. You don't know of any other reason why you would
15 have no growers in the Buffalo River Watershed?

16 A. Well, other than the fact that we've never been
17 contacted by anybody to grow chickens for us over there.

18 Q. Since the case that was filed by the City of Tulsa
19 against Peterson and other poultry companies regarding the
20 Eucha Spavinaw Watershed, has the number of chickens
21 produced by your company increased in the Illinois River
22 Watershed?

23 A. No, sir.

24 Q. It has not?

25 A. No.

COPY OF TRANSCRIPT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

W.A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA)

Plaintiffs,)

vs.)

4:05-CV-00329-TCK-SAJ

TYSON FOODS, INC., et al.,)

Defendants.)

VIDEOTAPED DEPOSITION OF RAY WEAR

Taken at the law offices of Mitchell, Williams,
Selig, Gates & Wooyard, 5414 Pinnacle Point Drive, Suite
500, Rogers, Arkansas 72758, on July 26, 2007, at 9:44
a.m.

EXHIBIT

4



Donald Court Reporting, Inc.

Court Reporting Excellence Since 1981

P.O. Box 1733, Springdale, Arkansas 72765-1733

479.756.2256

888.438.7836

FAX 479.751.9153

1 A. Sold the finished product for Peterson Farms.

2 Q. Was it a wholly owned subsidiary of Peterson Farms?

3 A. Yes.

4 Q. So what, if you can do this fairly succinctly, does
5 the Peterson Farms operation consist of? Peterson Farms,
6 Inc.

7 A. They own the -- they're -- they own -- well,
8 Peterson LP Gas Company, and then they have the processing
9 plant and the hatcheries, and then the Decatur General
10 Store.

11 Q. Isn't there a feed mill that's --

12 A. Yes, there is.

13 Q. -- one of these companies owns?

14 A. Yes.

15 Q. Who owns the feed mill?

16 A. Peterson Farms owns the feed mill.

17 Q. Okay. Take a moment here and think about this, and
18 tell me if there's any other operation Peterson Farms,
19 Inc. conducts.

20 A. I don't believe so.

21 Q. Okay. Tell me about Evans & Evans. That is a
22 corporation?

23 A. Yes, sir.

24 Q. And are you employed by Evans & Evans?

25 A. No. I'm employed by Peterson Farms.